

THE REGISTRATION (KARNATAKA AMENDMENT) ACT, 1976.

ARRANGEMENT OF SECTIONS

Sections :

1. Short title, extent and commencement.
 2. Insertion of new section 19A.
 3. Insertion of new section 22A.
 4. Amendment of section 45.
 5. Amendment of section 46.
 6. Amendment of section 51.
 7. Amendment of section 52.
 8. Amendment of section 54.
 9. Amendment of section 55.
 10. Amendment of section 60.
 11. Amendment of section 61.
 12. Amendment of section 62.
 13. Amendment of section 69.
 14. Insertion of new Part after Part XIII.
 15. Amendment of section 81.
 16. Amendment of section 82.
 17. Insertion of new section 82A.
 18. Insertion of new section 89A.
 19. Repeal.
- SCHEDULE.

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STATEMENT OF OBJECTS AND REASONS

Act 55 of 1976.- (As appended to at the time of introduction of the Bill)

The Registration Act, 1908 (Central Act 16 of 1908) which extends to the whole of the State of Karnataka is in force in the Belgaum area and Mangalore and Kollegal Area of the State as amended by the enactments specified in the Schedule to the Bill. It is considered necessary to make the law uniform throughout the State. Hence this Bill. Amendments to provide for filing of true copies of documents presented for registration, licensing of deed writers, filing of copies of certificates of sales of immovable property and to empower registering officers to refer under-valued instruments to Deputy Commissioner for determining the market value and also the proper stamp duty payable on the instrument are also considered necessary and are included.

(Obtained from L.C. Bill No. 9 of 76.)

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KARNATAKA ACT No. 55 OF 1976.

(First published in the Karnataka Gazette, Extraordinary on the Twenty-third day of October 1976)

THE REGISTRATION (KARNATAKA AMENDMENT) ACT, 1976.

(Received the assent of the President on the twenty-fourth day of May 1976)

An Act further to amend the Registration Act, 1908 in its application to the State of Karnataka.

WHEREAS it is expedient further to amend the Registration Act, 1908 (Central Act 16 of 1908), in its application to the State of Karnataka for the purposes hereinafter appearing;

BE it enacted by the Karnataka State Legislature in the Twenty-seventh year of the Republic of India as follows :-

1. Short title, extent and commencement.- (1) This Act may be called the Registration (Karnataka Amendment) Act, 1976.

(2) It extend to the whole of the State of Karnataka.

¹[(3) This section and sections 3, 13, 14, 16, 17 and 19 shall come into force at once and the other sections shall come into force on such date as the State Government may, by notification, appoint and different ²[dates]² may be appointed for different sections and areas.]¹

2. Insertion of new section 19A.- After section 19 of the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:-

"19A. Documents presented for registration to be accompanied by true copies thereof.- (1) No document shall be accepted for registration unless it is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be neatly hand written, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf."

3. Insertion of new section 22A.- After section 22 of the principal Act, the following section shall be inserted namely:-

"22A. Documents registration of which is opposed to public policy.- (1) The State Government may, by notification, in the official Gazette, declare that the registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable."

4. Amendment of section 45.- In section 45 of the principal Act,-

(a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No.3", the words, letters and figure "cause a true copy of the contents thereof to be made and filled in his Book No. 3" shall be substituted;

(b) in sub-section (2) for the words "copy has been made", the words "true copy has been filed" shall be substituted.

5. Amendment of section 46.- In sub-section (2) of section 46 of the principal Act,-

(a) for the words "unless the will has been already copied", the words "unless a true copy of the will has already been filed" shall be substituted;

(b) for the words, letters and figure "cause the will to be copied into his Book No.3", the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3" shall be substituted.

6. Amendment of section 51.- In section 51 of the principal Act,-

(a) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) In Book No.1 shall be filed,-

(i) true copies of all documents; and

(ii) all memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.";

(b) in sub-section (3), for the words "entered all documents", the words "filed true copies of all documents" shall be substituted;

(c) after sub-section (4), the following sub-section shall be inserted, namely:-

"(5) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed, or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit, to be recopied and authenticated in such manner as may be prescribed under section 69, and the copy prepared and authenticated under such direction shall for the purposes of this Act, be deemed to have taken the place of and to be the original book or portion and all references in this Act, to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."

7. Amendment of section 52.- In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:-

"(c) subject to the provisions contained in section 62 where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission".

8. Amendment of section 54.- In section 54 of the principal Act, for the words "copied or filed a memorandum of", the words "filed a true copy of the memorandum of" shall be substituted.

9. Amendment of section 55.- In section 55 of the principal Act,-

(a) in sub-section (2), for the words "documents entered or memorandum filed", the words "documents of which a true copy or memorandum is filed" shall be substituted;

(b) in sub-section (4), for the words "authority entered", the words "authority of which a true copy is filed" shall be substituted;

(c) in sub-section (5), for the words "document entered", the words "documents of which a true copy is filed" shall be substituted.

10. Amendment of section 60.- In sub-section (1) of section 60 of the principal Act, for the words "the document has been copied", the words "a true copy of the document has been filed" shall be substituted.

11. Amendment of section 61.- For sub-section (1) of section 61 of the principal Act, the following sub-section shall be substituted namely:-

"(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented along with the document and the true copy of the map or the plan (if any) mentioned in section 21 shall also be filed along with the true copy of the document."

12. Amendment of section 62.- For sub-section (1) of section 62 of the principal Act, the following sub-section shall be substituted, namely:-

" (1) When a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book."

13. Amendment of section 69.- In sub-section (1) of section 69 of the principal Act,-

(i) in clause (g), after the word and figures "section 51", the words " and the manner of recopying such books or portions thereof" shall be inserted;

(ii) after clause (i), the following clause shall be inserted, namely:-

"(ii) prescribing the manner in which and the terms subject to which persons who write deeds outside the precincts of a registration officer, or who frequent the precincts of registration offices, for the purpose of writing documents may be granted licences and prescribing the fees to be paid for such licences;"

14. Insertion of new Part after Part XIII.- After Part XIII of the principal Act, the following Part shall be inserted, namely:-

"PART XIII-A

OF DEED WRITERS

80B. Deed Writers to hold licences.- No person other than an advocate or other legal practitioner, shall for payment, write deeds unless he holds a licence granted in accordance with rules made under section 69".

15. Amendment of section 81.- In section 81 of the principal Act,-

(i) in the marginal heading, for the words " the registering", the words "registering or filing" shall be substituted;

(ii) for the words "or registering of any document" the words "registering or filing a true copy of any document" shall be substituted;

(iii) for the words "or registers such document", the words "registers or files a copy of such document" shall be substituted.

16. Amendment of section 82.- In clause (b) of section 82 of the principal Act, for the words and figures "under section 19 or section 21", the words "under this Act or the rules made thereunder" shall be substituted.

17. Insertion of new section 82A.- After section 82 of the principal Act, the following section shall be inserted namely:-

"82A. Penalty in respect of deed writers.- Whoever contravenes the provisions of section 80B or any term or condition of a licence granted under rules made under section 69, shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both"

18. Insertion of new section 89A.- After section 89 of the principal Act, the following section shall be inserted namely:-

"89A. Power to make rules for filing of copies of documents.- (1) The State Government may make rules for all purposes connected with filing of true copies of documents in the appropriate books under this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,-

(a) the furnishing of true copies of documents by the person presenting the documents for registration;

(b) the manner in which true copies of documents shall be prepared; and

(c) the manner of filing of such copies.

(3) All rules made under this section shall be published in the official Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

19. Repeal.- (1) The Acts specified in the Schedule as in force in the respective areas of the State mentioned against each enactment are hereby repealed to the extent mentioned in the said Schedule.

(2) As from the date appointed under sub-section (3) of section 1, the amendments made by the enactments repealed by sub-section (1) (hereinafter in this section referred to as the repealed enactments) shall cease to continue and shall be omitted from the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter in this Act referred to as the principal Act), and such of the provisions thereof as were affected by the repealed enactments shall stand revived to the extent to which they would have otherwise continued in operation but for the passing of the repealed enactments; and after such revival the amendment made to the principal Act by this Act shall become operative:

Provided that in respect of provisions which cease to continue by virtue of this section, the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act 3 of 1899), shall be applicable as if such provisions were enactments repealed by a Karnataka Act and in respect of provisions which cease to continue but are re-enacted by this Act, the provisions of sections 8 and 24 of the said Karnataka General Clauses Act, 1899 shall be applicable as if the said provisions had been repealed but re-enacted by a Karnataka Act.

SCHEDULE

(See section 19)

Sl. No.	Year of Enactment	No. of Enactment	Name of Enactment	Area where the enactment is in force	Extent of repeal
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1	1930	XVII	The Indian Registration (Bombay Amendment) Act, 1930	Belgaum Area	Whole
2	1933	XVIII	The Indian Registration (Bombay Amendment) Act, 1933	Belgaum Area	Whole
3	1938	XXIV	The Indian Registration (Bombay Amendment) Act, 1938	Belgaum Area	Sections 3 to 8 of the Act

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1. Substituted by Act 64 of 1976.

2. Sections 2, 4 to 12 (both inclusive), section 15 and section 18 of this Act have been repealed by the Registration (Karnataka Amendment) Act, 1984 (Karnataka Act 41 of 1984) with out bringing them into force.